

Exhibit 67

Budd Deposition

Lillian Budd

Pages: 36, 42, 45, 49, 53

Dated: June 3, 2021

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1 I take it you saw that testimony. Is that correct?

2 A. I did, yes.

3 Q. And Ms. Reed mentioned that she had heard
4 that complaint -- here I'm highlighting at Line 14 --
5 this is a question, but picking up on her previous
6 answer -- that she heard those complaints since 2003.
7 And when I asked her to estimate, you see her estimation
8 is that she heard those complaints hundreds of times.
9 Did you see that testimony?

10 A. Yes.

11 Q. Did you -- do you recall hearing during
12 your career, Ms. Budd, any complaints from officers about
13 these same issues?

14 A. I recall hearing of complaints. The
15 officers didn't really complain to me once I became the
16 Assistant Warden because they weren't under me, and they
17 wouldn't necessarily approach me about problems.

18 I recall -- that said, I recall hearing
19 complaints that there was just too much to do in a
20 housing unit for the officers to be able to take care of
21 all of their responsibilities.

22 Q. Who were those complaints made to, if you
23 know?

24 A. I do not know. Perhaps other -- I do
25 not know.

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1 Q. Let's focus specifically on suicide
2 prevention. Would you agree that if a mental health
3 provider determines that a person should be on a certain
4 level of watch, that an officer's compliance with that
5 watch is a critical component of the suicide prevention
6 efforts of the facility?

7 A. Yes, we can.

8 Q. And it sounds like there was a discussion
9 throughout your time at the facility that officers had
10 too many responsibilities which might prevent them from
11 following through with those responsibilities. Is that
12 correct?

13 MR. KOLANSKY: Objection to form.

14 THE WITNESS: Yes, that is correct.

15 BY MR. FEINBERG:

16 Q. Yeah, Ms. Budd, I was just gonna note
17 that if your lawyer objects, he just -- he objected to
18 something that I asked, the way I asked my question, but
19 you can still answer the question. And we're agreed on
20 that point. Is that correct?

21 A. Yes.

22 Q. And would you agree that if officers were
23 not conducting watches as they were supposed to, that may
24 result in a situation where people deemed a risk for
25 suicide were not protected?

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1 A. Correct.

2 Q. So, for example, if an Inmate Monitor was
3 assigned to watch a specific inmate and just wasn't doing
4 it, the responsibility to make sure that happens
5 ultimately falls on the officer. Is that correct?

6 A. Yes.

7 Q. Did you ever hear of any complaints that
8 officers were not doing that job, that is, not
9 supervising Inmate Monitors?

10 A. Not that I recall, which it would not
11 have come to me.

12 Q. I see. Who would that have come to?

13 A. It would have come to their supervisors.
14 I did -- again, I did not supervise the officers.

15 Q. Okay. Do you recall hearing about any
16 issues concerning an Inmate Monitor failing to supervise
17 Mr. Freitag on the day of his death?

18 A. I do not recall.

19 Q. One of the things I neglected to ask you
20 about before was -- I'm sorry, first, as background, what
21 was the date in 2019 of your retirement?

22 A. January 4th.

23 Q. For reference, why don't I just show you.
24 There is an Investigation Report that we have dated
25 October 24th of 2019, obviously, after your retirement.

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1 Q. So -- and we don't have to talk about the
2 whole time period, but from 9:15 on, until Mr. Freitag is
3 found in his cell, it appears that there are several
4 false entries on the Inmate Monitor Form concerning
5 observations of Mr. Freitag. Agreed?

6 A. Agreed.

7 Q. Do you remember learning that at any
8 point before your retirement in January of 2019?

9 A. I do not recall learning that, no.

10 Q. And it sounds like this is not something
11 that would have been within your portfolio of
12 responsibilities, to ensure officer compliance with
13 Inmate Monitor procedures. Is that right?

14 A. Correct.

15 Q. Can we agree, similar to what we agreed
16 to before, that if Inmate Monitors are part of the
17 suicide prevention plan, officers ensuring their Inmate
18 Monitors' compliance with their duties is critical to
19 ensuring elimination or mitigation of the risk of
20 suicide?

21 A. We would agree.

22 Q. So let me ask you one more question about
23 the Inmate Monitors. For further reference, the Inmate
24 Monitor who -- whose entries appear on that form that we
25 just reviewed is a man named Hugh Kirk Caldwell. And I

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1 Q. There was no -- there were no mental
2 health staff members involved in that decision. Agreed?

3 A. Not from what I saw. Agreed.

4 Q. Now, my understanding is that mental
5 health staff were not available in the facility at any
6 time after 4 p.m., at least as a usual practice. Is that
7 consistent with your recollection?

8 A. My recollection is their hours were --
9 were over at 4:00.

10 Q. So based on that, what I've been told by
11 previous witnesses in this case is that any decisions
12 about a change in watch status once a person returned
13 from court would be made by non-mental healthcare
14 practitioners. Is that consistent with your
15 recollection?

16 A. That is.

17 Q. I wanna show you some additional
18 testimony from Ms. Reed. Not as much as I showed you
19 before, so we should be able to do this a little quicker.
20 Now, do you have Ms. Reed's deposition testimony in front
21 of you again?

22 (Transcript shown.)

23 A. I do.

24 Q. I'm sorry, I wanna put this up here. I
25 took it away again.